

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL SCOTT,

Plaintiff,

OPINION AND ORDER

20-cv-96-bbc

v.

J. PERTTU, D. RADTKE, B. HOMPE,
C. O'DONNELL, G.B.C.I., AND D.O.C.,

Defendants.

Plaintiff Michael Scott has filed a proposed civil action under 42 U.S.C. § 1983, contending that prison staff at Green Bay institution violated his constitutional rights by issuing him invalid conduct reports, holding him in segregation for too long, calculating his segregation terms and sentence incorrectly and refusing to credit state pay to his inmate account. Because plaintiff is incarcerated, his complaint must be screened under 28 U.S.C. § 1915A. He has requested leave to proceed without prepayment of the filing fee, but as plaintiff is well aware, he has “struck out” under 28 U.S.C. § 1915(g). Under § 1915(g), a prisoner is not allowed to bring a civil action in federal court without first paying the fee, if three or more of his civil actions or appeals have been dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted. The sole exception to the three-strikes rule is if the plaintiff’s pleadings show that he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Plaintiff’s allegations about his sentence, conduct reports, segregation terms and inmate account do not suggest that he is in imminent danger of serious physical injury.

Therefore, plaintiff may not proceed further with this case unless he pays the full \$400 filing fee by the deadline set forth below.

ORDER

IT IS ORDERED that

1. Plaintiff Michael Scott is DENIED leave to proceed in forma pauperis under 28 U.S.C. § 1915(g).
2. This case is DISMISSED without prejudice, subject to being reopened if plaintiff submits the \$400 filing fee by March 17, 2020.

Entered this 25th day of February, 2020.

BY THE COURT:
/s/

BARBARA B. CRABB
District Judge